

REMARKS

The Official Action mailed December 3, 2008 has been carefully considered. Claims 1-5, 9-14, 16 and 19-25 are pending in the present application and stand rejected. Reconsideration and allowance of the subject application, as amended, are respectfully requested.

Claim 1 has been amended to recite that the first fabric material comprises multiple layer of high performance fibers having tensile strengths greater than 50,000 psi and/or a modulus of greater than or equal to 500,000 psi, wherein said high performance fibers comprises non-continuous staple fibers. Support can be found at paragraph [0017] of the published application which recites that the high performance fibers may be continuous or made up of short or staple fibers. No new matter has been entered.

Claim 1 has also been amended to clarify that the high performance fibers are present in multiple layers with an axis of orientation that provides higher strength in one direction versus another direction wherein the axis of orientation of one layer is not aligned with an axis of orientation of an adjacent layer. Support can be found at paragraph [0027]. No new matter has been entered.

Claim 23 has also been amended to recite that the high performance fibers are non-continuous staple fibers. Support can again be found at paragraph [0017]. No new matter has been entered.

New dependent claims 26 and 27 specify that the high performance fiber may comprise aramid fiber, linear polyethylene fiber or spun liquid crystal polymer. Support can be found at paragraphs [0018] to [0021]. No new matter has been entered.

Claims 1-5, 9-14, 16 and 19-25 have been rejected under 35 USC §103(a) as being unpatentable over Denesuk et al. (U.S. 6,196,156), in view of Jordan (U.S. 5,226,384), Sullivan, (U.S. 5,087,499) and newly cited Sabee (U.S. 4,910,064).

In the office action, it was noted that neither Denesuk nor Jordan taught orientating the layers. Applicants would also add that this deficiency is also present in Sullivan.

Newly cited Sabee was presented for the feature of disclosing multiple layers where each layer was said to provide an axis of orientation angled to another layer's axis of orientation. Applicants would like to point out that in the section cited and relied

upon, Sabee makes clear that the fibers therein are all “thermoplastic” polymers, and the various resins cited include, e.g. polyolefins such as polypropylene, polyethylene, etc., polyesters such as polyhexamethylene adipamide (which does not make much sense as polyhexamethylene adipamide is not a polyester, but rather, a polyamide). The reference goes on to emphasize that with respect to all of the thermoplastic polymers, they are “melt blown” and in the form of “continuous filaments. Col. 7, lines 25-65. In addition, at column 8, lines 20-48, the continuous filaments formed by melt techniques are then subject to some level orientation.

As can be seen, the present claims have been amended to recite non-continuous staple fibers, which are completely different than the continuous and orientated fiber configuration of Sabee. The fibers herein, as non-continuous, are dissimilar to the continuous fibers of Sabee, who necessarily instructs that orientation is a feature that may only be advantageously utilized when the fibers are indeed continuous. The concept of forming a non-woven with orientation of discontinuous staple fibers is simply not disclosed or suggested by Sabee, either alone or in combination with any of the references of record.

In addition, new dependent claims specify that the high performance fibers comprising the non-continuous staple fibers may include aramid fiber, linear polyethylene fiber or spun liquid crystal polymer. None of these fibers are disclosed or suggested in Sabee.

It is therefore worth emphasizing that in the presently amended claim, applicant is utilizing higher performance staple fibers, in a specified level of orientation, to provide an otherwise soft chew that maintains a longer lifespan for the pet owner. See paragraph [0008] of the published application. None of the references identified are believed, either alone or in combination, to teach or suggest that such could be accomplished simply with the use of non-continuous staple fibers, in the manner now recited in the amended claims.

Claims 2-5, 9-14, 16 and 19-22, 24-25 depend directly or indirectly from independent claims 1 and 23 and are believed to be similarly distinguished.

AMENDMENT E

Serial Number: 10/656,464

Filing Date: September 5, 2003

Title: High Strength Fiber/Fabric/Film Based Animal Toy

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Having dealt with all the objections raised by the Examiner, it is respectfully submitted that the present application, as amended, is in condition for allowance. Thus, early allowance is earnestly solicited.

The present Amendment thus adds one (1) additional claim in excess of twenty (20). Authorization for a credit card payment in the amount of \$52.00 to cover the additional claim fee is being filed via EFS. In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account No. 50-2121.

If the Examiner desires personal contact for further disposition of this case, the Examiner is invited to call the undersigned Attorney at 603.668.6560.

In the event there are any fees due, please charge them to our Deposit Account No. 50-2121.

Respectfully submitted,

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